

Application No. 09/810,811
Amendment Dated February 3, 2006
Reply to Office Action of August 25, 2005

REMARKS/ARGUMENTS

By this Amendment, claims 1, 5, 6, 12, 13, 15 and 16 are cancelled, claims 2-4, 8, 9, 11, 14 and 17-19 are amended and claim 20 is added. Claims 2-4, 8-11, 14 and 17-20 are pending.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner sets forth that claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. According to the Examiner, the claims contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Examiner believes that the specification is silent on a message user objective and training objective, disclosed in claims 12 and 13.

The Examiner further sets forth that claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The Examiner believes that the claims contain subject matter which the Examiner believes was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. According to the Examiner, the specification does not disclose how to show employee specific positive or negative reinforcement event and one of ordinary skill in the art would not understand how to enable claims 15 and 16.

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The Applicants respectfully traverse the Examiner's objections. Nevertheless, the claims objected to by the Examiner have been cancelled.

The Examiner also sets forth that claims 1-6 and 8-19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. According to the Examiner, claim 1 discloses a method for performing business communications. The Examiner believes that claim 1 only discloses a data structure for animation. Therefore, claim 1 is not a tangible embodiment and non-statutory according to the Examiner.

The Applicants do not understand how claim 1 (now cancelled and substantially rewritten as claim 20) could be characterized as "only disclos[ing] a data structure" (emphasis added) as the Examiner sets forth when, in fact, cancelled claim 1 set forth steps such as performing a needs analysis, determining business messages, selecting an event etc. It appears self evident to the Applicants that the foregoing steps are not elements of a data structure. Rather, they are steps in a process for selecting an event and physically transmitting and displaying relevant messages to a selected person.

In the event that claim 1 could be construed by the Examiner as claiming a data structure or an algorithm, the Applicants have retained and/or added further limitations directed to a tangible embodiment upon which the inventive method can be practiced in new claim 20. The tangible steps include steps such as sampling potential recipients, storing information in a computer memory and physically displaying messages on a display device.

The Examiner sets forth that claims 1-6 and 8-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirota, USPN 6,477,437, in view of Bro, USPN 6,249,809.

Regarding claim 1, the Examiner believes that Hirota discloses a method for performing business-training communications, comprising the steps of: determining a targeted business [the Examiner directs the Applicants' attention to Hirota, col. 2, lines 41-50 and col. 7, line 66 - col. 8, line 13];

performing a needs analysis of an event of the targeted business [the Examiner directs the Applicants' attention to Hirota, col. 10, lines 25-64 and col. 12 lines 33-43];

determining a plurality of business training messages in accordance with the analyzed event, providing an animation for each of the business-training messages in accordance with the plurality of determined business-training messages to provide a plurality of animation systems [the Examiner directs the Applicants' attention to Hirota, col. 10, line 49 - col. 11, line 10 and col. 12, line 39 - col. 13, line 7];

selecting a recipient event and a targeted message recipient [the Examiner directs the Applicants' attention to Hirota, col. 12, lines 33-43];

selecting an animation system of the plurality of animation systems in accordance with the recipient event and the business-training message of the selected animation system and applying the selected animation system to the targeted recipient [the Examiner directs the Applicants' attention to Hirota, col. 12, line 39 - col. 13, line 7, col. 14, lines 16-37 and col. 16, lines 10-49];

The Examiner further sets forth that Hirota does not specifically disclose providing, selecting and applying the plurality of animation systems to a message user (i.e. manager). However, Bro, in the same field of endeavor, discloses providing, selecting and applying messaging system to a message user [the Examiner directs the Applicants' attention to employer messaging worker, Bro, col. 2, lines 11-56 and col. 3, lines 19-22]. According to the Examiner, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the employer messaging the user, taught by Bro, into the animation messaging system, taught by Hirota according to the Examiner, in order to have management more control over the use of the animation messages.

The Examiner sets forth that regarding claims 2-4, Hirota-Bro further discloses transmitting an email directly to the targeted recipient and transmitting the animation files to the location of the targeted recipient, wherein loading and displaying the animation files using animation programming disposed at the location of the targeted recipient [the Examiner directs the Applicants' attention to Hirota, col. 18, lines 46-60 and Bro, col. 6, lines 39-58].

The Examiner sets forth that regarding claim 5, Hirota-Bro further discloses providing a digital file containing a file of the selected animation system to the user; and applying a visual representation of the file selected animation system to the targeted recipient [the Examiner directs the Applicants' attention to Hirota, col. 12, lines 33-43 and Bro, col. 8, lines 57-65].

The Examiner sets forth that regarding claim 8 and 18, Hirota-Bro further discloses providing the plurality of animation systems to the message user and the target recipient by way of the Internet [the Examiner directs the Applicants' attention to Hirota, col. 2, lines 41-50 and Bro, col. 5, lines 16-37].

The Examiner sets forth that regarding claims 9 and 10, Hirota-Bro further discloses providing the plurality of animation systems to the message user by way of a tangible recording medium, wherein according to the Examiner the tangible recording medium comprises a CD-ROM [the Examiner directs the Applicants' attention to Hirota, col. 9, lines 16-33 and Bro, col. 4, lines 33-53].

The Examiner sets forth that regarding claim 11, Hirota-Bro further disclose selecting from the plurality of animation systems by the message user a further plurality of animation systems for applying the animation systems of the further plurality of animation system to at least one message recipient [the Examiner directs the Applicant's attention to Hirota, col. 12, line 39 - col. 13, line 7, col. 14, lines 16-37 and col. 16, lines 10-49 and Bro, col. 2, lines 11-56].

The Examiner sets forth that regarding claims 12 and 13, Hirota-Bro further discloses selecting further plurality of animation systems by the message user in accordance with a single training objective or a plurality of training objectives [the Examiner directs the Applicants' attention to Hirota, col. 12, line 39 - col. 13, line 7 and Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

The Examiner sets forth that regarding claims 14-16, Hirota-Bro further discloses an event specific to the targeted employee, an employee specific positive reinforcement event or a negative reinforcement event [the Examiner directs the Applicants' attention to Hirota, col. 5, lines 16-27 and Bro, col. 2, lines 11-56 and col. 3, lines 30-65].

The Examiner sets forth that regarding claim 17, Hirota-Bro further discloses an event specific to a plurality of employees [the Examiner directs the Applicants' attention to Hirota, col. 11, lines 27-61 and Bro, col. 2, lines 11-56].

The Examiner sets forth that regarding claims 19, Hirota-Bro further discloses selecting the further plurality of animation systems by the message user from a catalog of system animations provided to the message user along with the providing of step (e) [the Examiner directs the Applicants' attention to Hirota, col. 12, line 39 - col. 13, line 7 and Bro, col. 7, lines 48-60].

The Examiner further sets forth that Applicants' argument filed June 9, 2005 has been fully considered but some are not considered persuasive by the Examiner.

The Examiner further sets forth that Applicants believe enablement of claims 12 and 13 is found on page 7, lines 1-2 of the specification.

As to point (A), the specification states a training objective according to the Examiner. The Examiner further sets forth that the specification does not specifically disclose a plurality of animation systems by the message user in accordance with a single training objective or a plurality of training objectives. Therefore, the Examiner sets forth

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that claims 12 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement.

The Examiner further sets forth that Applicants believe enablement of claims 15 and 16 are found on page 12, lines 16-20 of the specification and is inherent in the specification.

As to point (B), according to the Examiner the specification states providing feedback and transmitting a reinforcing message. The Examiner further sets forth that the specification does not disclose how to show employee specific positive and negative reinforcement event. According to the Examiner, it would be difficult to one of ordinary skill in the art at the time of the invention to understand how to process claims 15 and 16 as part of the invention. Therefore, the Examiner sets forth that claims 15 and 16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement.

The Hirota-Bro references cited by the Examiner teach processing devices performing functions such as gathering work flow data and generating a message based on the data or a triggering event, such as a mistake, by a trainee. Thus, the messages are provided according to specific processes and/or specific events. Furthermore, there is no distinction in the references as to which particular individual is to receive the message. Rather, the same predetermined message is transmitted to any person in the identified work flow or performing the triggering event.

This must be distinguished from selection of messages which are based on a needs analysis of a targeted business area as required by the Applicants' new claim 20, wherein a plurality of messages is created according to the needs analysis of the targeted business area. A selection of targeted business messages is then made from the foregoing plurality of messages according to the individual needs of a selected message recipient in the Applicants' invention, rather than according to a specific process or event.

Furthermore, the cited systems could not be adapted to work for the Applicants' intended purpose. The intended purpose of the Applicants' system is to send messages according to individual needs. The references cited by the Examiner cannot address such individual needs since they are limited to selecting messages relating to skills that can be monitored automatically by a computer, e.g. production rate, mistakes, errors, bad data entry, etc.

The Applicants' new independent claim 20 therefore sets forth a method for performing a business training communication performed in a communication system including a computer having computer memory, a computer communication channel and a display device, including determining a targeted business area and sampling potential recipients of the business training communication. A needs analysis of an event of the targeted business area is performed upon the computer in accordance with sampling of said potential recipients to provide an analyzed event and the needs analysis is stored in the computer memory. A plurality of business training messages are determined by the computer operating upon the computer memory in accordance with the needs analysis and

a respective animation system focused on each business training message of the plurality of business training messages is provided to provide a first plurality of single message animation systems. A second plurality of relevant message animation systems is selected from the first plurality of single message animation systems in accordance with an individual need of a selected message recipient to provide a relevant subset of single message animation systems. The relevant subset of single message animation systems is communicated to the display device by way of the communication channel and the relevant subset of single message animation systems is displayed to the selected message recipient on the display device.

Neither Hirota nor Bro teaches the following features required by the Applicants' new claim 20:

1. Performing a needs analysis of an event in accordance with a sampling of potential recipients to provide an analyzed event. No sampling of potential recipients as set forth in claim 20 and described in the specification is taught in Hirota or Bro. It follows that no needs analysis can be performed in accordance with such sampling in the Hirota or Bro systems.
2. Providing a respective animation system focused on a business training message of a plurality of business training messages that are determined in accordance with the needs analysis. Since performing a needs analysis in accordance with a sampling of potential recipients is not taught, it follows that

there is no teaching of business messages that are determined in accordance with such a needs analysis.

3. Selecting a second plurality of relevant message animation systems from the first plurality in accordance with the individual needs of a selected message recipient to provide a relevant subset of animation systems. There is no teaching of determining the "individual needs of a selected message recipient" in either Hirota or Bro. It must be emphasized the no such determining of individual needs whatsoever is taught.

Rather, Hirota -Bro teach selecting messages for transmission to a plurality of recipients without any individualizing whatsoever. If no such determining of individual needs is taught, it follows that there can be no selecting of messages according to such a determination taught in the cited references.

For at least the reasons set forth above, it is respectfully submitted that the above-identified application is in condition for allowance. Favorable reconsideration and prompt allowance of the claims are respectfully requested.

Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

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Respectfully submitted,

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Please charge or credit our Account
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